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ENVIRONMENTAL ASSESSMENT BOARD



ONTARIO HYDRO DEMAND/SUPPLY PLAN HEARINGS

VOLUME: 107

DATE: Monday, January 27, 1992

BEFORE:

HON. MR. JUSTICE E. SAUNDERS	Chairman
DR. G. CONNELL	Member
MS. G. PATTERSON	Member

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ENVIRONMENTAL ASSESSMENT BOARD
ONTARIO HYDRO DEMAND/SUPPLY PLAN HEARING

IN THE MATTER OF the Environmental Assessment Act,
R.S.O. 1980, c. 140, as amended, and Regulations
thereunder;

AND IN THE MATTER OF an undertaking by Ontario Hydro
consisting of a program in respect of activities
associated with meeting future electricity
requirements in Ontario.

Held on the 5th Floor, 2200
Yonge Street, Toronto, Ontario,
on Monday, the 27th day of January,
1992, commencing at 10:00 a.m.

VOLUME 107

B E F O R E :

THE HON. MR. JUSTICE E. SAUNDERS	Chairman
DR. G. CONNELL	Member
MS. G. PATTERSON	Member

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1 ---Upon commencing at 10:03 a.m.

2 THE REGISTRAR: Please come to order.

3 This meeting is now in session. Please be seated.

4 THE CHAIRMAN: On the day that Exhibit
5 452 was filed, it was stated that there might be some
6 parties that wished to make a submission about it, and
7 I see by the number that turned up today, that there is
8 at least an interest in it if not anything else.

9 We have had some preliminary indications
10 from some of the parties either, orally or in writing
11 ranging from a number of suggestions, adjournments,
12 redefining issues, a whole host of various options.

13 I haven't given much thought to how the
14 process will go today. I think initially at least it
15 should be perhaps a formal process but without formal
16 procedure, if I can put it that way.

17 I would like to find out, initially, who
18 here wishes to make any preliminary comments and then
19 proceed from there.

20 Mr. Howard?

21 MR. HOWARD: Yes, Mr. Chairman, if it is
22 convenient to the Board, we had planned to make a short
23 initial statement. We have some update material, some
24 revised witness statement, and so on, for Panel 8, and
25 then Mr. Campbell will describe the implications for

1 Panel 9 and Panel 10 to give the discussions some
2 context, if that seems the sensible thing to do today.

3 THE CHAIRMAN: Well, perhaps we could
4 proceed and do that and then I will call the roll and
5 see who wishes to respond to that. We will do it that
6 way.

7 SUBMISSIONS BY MR. HOWARD:

8 Mr. Chairman, if I may, with respect to
9 Panel 8, which as you know is the panel to deal with
10 the fossil alternatives and also with alternative
11 energy options, it will apparent from the plan update
12 that no approvals are being requested in respect to
13 fossil facilities, but on the other hand, in the
14 context of these hearings it is necessary to deal with
15 the question as to whether or not fossil facilities are
16 or are not a reasonable alternative to the hydraulic
17 and Manitoba transmission approvals which are being
18 requested. In addition, it will be apparent from the
19 update that we should speak to and ask for the Board's
20 conclusions with respect to whether or not it is
21 appropriate to rely, as the plan update does, on the
22 life extensions of the fossil stations.

23 With that in mind, we have prepared a
24 revised witness statement for Panel 8. We propose to
25 file with the Board also a thermal cost update, and

1 there are some errata for the alternative energy review
2 exhibit which was filed last October.

3 If it would be useful to the Board and to
4 the parties here, I could nip through the revised
5 witness statement and point out the changes so that the
6 people will be aware of that.

7 THE CHAIRMAN: Should we have the witness
8 statement in front of us?

9 MR. HOWARD: Yes. I have given eight
10 copies.

11 THE REGISTRAR: Are these to be made
12 exhibits?

13 THE CHAIRMAN: Yes.

14 MR. HOWARD: I would think three
15 exhibits, yes, if that's convenient.

16 MR. REGISTRAR: The first one being
17 Revised Witness Statement will be 464; second one,
18 Thermal Cost Update, 465, and the third one,
19 Alternative Energy Review, 466.

20 ---EXHIBIT NO. 464: Revised Witness Statement.

21 ---EXHIBIT NO. 465: Thermal Cost Update.

22 ---EXHIBIT NO. 466: Alternative Energy Review.

23 MR. HOWARD: There are copies here on the
24 front table if parties would like to pick them up.
25 Perhaps I can put them here. They are in the correct

1 order.

2 Could we just take a moment so people
3 could have them in front of them?

4 THE CHAIRMAN: Yes, we will do that.

5 MR. HOWARD: Mr. Chairman, there may be
6 more copies. We may have run out, we may have
7 underestimated the crowd this morning, but we will be
8 distributing copies to all parties in due course.

9 Mr. Chairman, if I may deal very briefly
10 with these documents.

11 The revised witness estimate, you will
12 recall that Exhibit 98 in these proceedings dealt with
13 Panel 8, and this is a retyping of that material. If I
14 can just indicate the new material.

15 Obviously, in the first part, the update,
16 Exhibit 452, has been added. When you come down to
17 rationale, at the time of the original witness
18 statement it was the rationale for the selected fossil
19 options, and we have just removed the word "selected".
20 Then we have added costs, and that is Exhibit 465 which
21 was filed today, the thermal cost update which will be
22 spoken to by the panel.

23 Then, of course, at the bottom of the
24 page, the life extensions is a new topic which is
25 raised. And finally, on the last page, alternative

1 energy review, Exhibit 344 was filed October 25th and
2 the Demand/Supply Plan update was filed January the
3 15th, Exhibit 452.

4 If we turn to the next page in which the
5 witnesses are identified, we have added Mr. J.R. Burpee
6 who is an operations man who will primarily speak to
7 life extensions and operations of the fossil stations.

8 Then the next page was the list of
9 exhibits to be referred to. The thermal cost update
10 has been filed today and the alternative energy review
11 errata were filed today as 465 and 466.

12 We will be filing, before the panel,
13 begins the material relating to the environmental
14 health effects of fossil generation. I am sure, as the
15 panel will recall, we have attempted to do that having
16 regard to the interrogatories which have been filed
17 with respect to that subject for other panels as well,
18 and we will be filing that hopefully before the end of
19 this week and certainly by the a week today.

20 Then finally, in that exhibit we have
21 given Mr. Burpee's CV and his qualifications.

22 Those are the comments I wanted to make
23 with respect to Panel 8. If the Board will hear Mr.
24 Campbell with respect to Panel 9 and our plans to
25 combine the former Panels 10 and 11 into one panel and

1 then we will have described the context of where we
2 think we are in any event.

3 SUBMISSIONS BY MR. B. CAMPBELL:

4 Thank you, Mr. Chairman.

5 We have available, and what I would
6 suggest is at a convenient point, perhaps at the
7 morning break or at the conclusion of the proceedings
8 this morning, people could obtain from me a draft
9 outline of evidence, we have some copies available,
10 draft outline of evidence for Panels 9 and Panels 10.

11 As Mr. Howard has pointed out, it is our
12 current plan at this time, given the update material,
13 that we would not have two panels following the
14 conclusion of what I call the options panel, at the
15 conclusion of the nuclear options panel. We would
16 simply have one panel; its focus would be on, as can be
17 seen in the draft outline of evidence, its focus would
18 be on Exhibit 452.

19 I might just briefly say that with
20 respect to Panel 9 the Board will be aware from its
21 review of Exhibit 452 that with the deferral of need to
22 the 2009/2011 time period approvals are no longer
23 requested in relation to nuclear facilities.

24 Again, as was the case for the fossil
25 options, the context for discussion of nuclear options

1 within the framework of this Environmental Assessment
2 Act hearing in our submission is to deal with the
3 question of whether nuclear facilities are a reasonable
4 alternative to the hydraulic and transmission approvals
5 being requested, and it will be Hydro's position that
6 given the characteristics of nuclear generation, it is
7 not a reasonable alternative to those options for which
8 approvals are now being requested.

9 [10:14 a.m.]

10 Of course, we wish the Board to be aware
11 that nuclear options would be considered for meeting
12 future base load requirements, but that is a decision
13 in our submission for another day.

14 I would also point out that with respect
15 to possible future base load options, Exhibit 452 makes
16 it clear that the nuclear options to be considered at
17 that time, whenever that may be, whenever future
18 decisions need to be made will extend beyond 4 by 881
19 Darlington-type station and for analysis purposes,
20 again as is pointed out in Exhibit 452, the cost and
21 lead times of a CANDU 6 single unit design have been
22 assumed as an illustrative nuclear option in developing
23 the updated Demand/Supply Plan.

24 However, as I pointed out, when time
25 comes to make future base load decisions, it is

1 expected that other nuclear options would also be
2 considered.

3 Now with respect to Panel 10, Panel 10
4 will be relying on information presented of course by
5 the 9 preceding panels. It will build on a position
6 set out by those panels in presenting the updated plan
7 and of course it will be the panel which will in our
8 submission establish the requirement and rationale for
9 the approvals requested.

10 With the conclusion of Panel 10 at that
11 point, we anticipate, as best one ever can at this
12 stage, that that would be the conclusion of our case.

13 In terms of discussing some of this
14 material with various of the intervenors, the
15 suggestion has been made to us that the parties today
16 would be requesting a short adjournment, and I
17 anticipate that Mr. Poch for instance will be speaking
18 to that on behalf of a number of the intervenors, and I
19 would like it recorded that Ontario Hydro takes no
20 objection to a short adjournment for the purposes of
21 parties examining their positions in light of the
22 update and being in a better position at that point to
23 proceed expeditiously with the balance of at least
24 Ontario Hydro's evidence, and I won't venture into the
25 murky waters of intervenors' cases.

1 There is one matter that I would like to
2 address just in closing. We have, as usual, a vast
3 number of interrogatories for Panels 10 and 11. I
4 would like to speak to them particularly. I have had
5 prepared on a by party basis a list of the
6 interrogatories that are outstanding for the current
7 Panel 10 and 11 structure. Once people have had, they
8 have had an opportunity to look at Exhibit 452, those
9 interrogatories from Panels 10 and 11 that have not yet
10 been answered, we are distributing back to the parties
11 and asking if they could go through them briefly and
12 give us some indication if there are interrogatories
13 that in light of update they no longer wish us to
14 answer, we would appreciate being so advised and as I
15 say I have material for the parties in that respect.

16 I should say that we are prepared within
17 reasonable time limits and given reasonable numbers to
18 entertain additional requests for information with
19 respect to the update and indeed some of that has
20 already started on discussions between counsel. I
21 don't think it is necessary today to make submissions
22 on days or process. I think that can be worked out in
23 the normal way.

24 And subject to any questions the Board
25 might have, those were the matters which we wished to

1 raise this morning.

2 THE CHAIRMAN: Ms. Harvie, are you making
3 any submissions.

4 MS. HARVIE: No, Mr. Chairman.

5 THE CHAIRMAN: Mrs. Formusa?

6 MRS. FORMUSA: No, sir.

7 THE CHAIRMAN: Mr. Campbell, Panels 10
8 and 11, we have now completed seven panels of Hydro
9 evidence. Exhibit 452 has some changes in the evidence
10 that was given or perhaps I should put it this way:
11 that some of the evidence given in Panel 1, for
12 example, load forecast, is not entirely consistent with
13 what is in Exhibit 452. I wonder if there is any
14 contemplation that, for example, that Mr. Burke, just
15 to take one name, one witness, should in some way be
16 available to the hearing to explain why there are now
17 differences from the evidence he earlier gave.

18 MR. B. CAMPBELL: I think our initial
19 position on that, Mr. Chairman, is we will be
20 distributing as an annual load forecast cycle, as has
21 been explained in evidence before the Board, this year
22 given the heavy hearings burden borne by that group, it
23 is fair to say is that rather than starting from an
24 absolute clean sheet of paper, they did more of what I
25 would call an update on the load forecast, taking into

1 account the kinds of factors such as changes in GDP
2 outlook and so on that were spoken to in evidence.

3 With respect to, however, matters such as
4 bandwidth in the forecast, matters such as the
5 difference between the primary and basic forecast,
6 those matters have already been covered in evidence.
7 There is no change from the state of the evidence at
8 the conclusion of Panel 1. And what I propose to do in
9 dealing with that is that there is a memorandum that
10 has been prepared which updated the basic forecast. If
11 you look in Exhibit 452, you will see that it is
12 slightly lower over the period I believe is starting in
13 the late -- you can see a separation from the basic
14 forecast that was used for the original Demand/Supply
15 Plan over the period. I think the separation is widest
16 in the area of the late '90s through to 2009. I may
17 have the dates a little off. But it speaks to the
18 reasons for that.

19 Those are all the same kinds of reasons,
20 the same kinds of discussions that took place already
21 in Panel 1. And, quite frankly, Mr. Chairman, if the
22 discussion of whether it is necessary to revisit any of
23 that could be deferred until after parties have an
24 opportunity to look at that document, I think it would
25 make more sense in that context.

1 It certainly is my submission to you
2 today that the changes from Panel 1 evidence, apart
3 from the update to the basic, are not significant and
4 that even the changes to the basic are a function of
5 matters on which there has already been considerable
6 cross-examination.

7 THE CHAIRMAN: Is my understanding
8 correct that the submission made by Mr. Howard and by
9 you that with respect to fossil and nuclear, we are to
10 consider them as alternative methods of carrying out
11 the undertaking in the short term or is it that we are
12 to consider them as alternative methods in the broader
13 context? I am not quite sure I understand what our
14 function is with respect to assessing major fossil
15 supply, new fossil supply and major new nuclear supply.

16 MR. B. CAMPBELL: I think in terms of the
17 requirements of the legislation, if you look at Section
18 5(3), what it requires is that there be an evaluation,
19 in short form, an evaluation of the advantages and
20 disadvantages of both the alternatives to and the
21 alternative methods of carrying out the undertaking.

22 I don't think in this situation whether
23 an option is long term or short term is necessarily the
24 germane issue. An option has certain characteristics
25 and certain advantages, disadvantages and roles that

1 flow from those characteristics, and it is our
2 submission that the statute, at least in the way it has
3 been interpreted to date, at least places an onus on
4 Ontario Hydro to show that it has considered a range of
5 alternatives and that given the approvals that it is
6 requesting, there are certain alternatives that at
7 least have been looked at that are not appropriate as
8 alternatives in the sense of displacing the approvals
9 that are requested; that is, the role and
10 characteristics of those alternatives are such that in
11 a planning sense, as will become clear in our Panel 10,
12 they are not alternatives that Ontario Hydro sees as
13 reasonable alternatives to be considered in place of
14 those facilities for which approvals -- or in place of
15 the approvals that are being requested.

16 [10:25 a.m.]

17 It's really in that statutory sense that
18 we believe the statute places on Ontario Hydro as a
19 proponent an obligation to show that it has considered
20 the advantages and disadvantages of those alternatives
21 and defend its conclusion at this point in time that it
22 ought not to proceed with those alternatives in place
23 of the approvals that are being requested.

24 THE CHAIRMAN: I didn't intend quite so
25 quickly to get into the statute. But am I correct that

1 the current state of the law is that this Panel cannot
2 give approval for an alternative to the undertaking,
3 but may give an approval for an alternative method of
4 carrying out the undertaking.

5 MR. B. CAMPBELL: That is correct. That
6 is the conclusion that the Court of Appeal reached in
7 the eastern Ontario stated case, the Divisional Court
8 decision that went to the Court of Appeal, and that is
9 clearly stated in that case.

10 THE CHAIRMAN: That being so, the key
11 question is the answer to the question, what is the
12 undertaking.

13 MR. B. CAMPBELL: The undertaking is a
14 program of activities just as is stated in Exhibit 452.
15 The activities that are included within that program
16 have been reduced as the planning strategy clearly
17 states would be the case if there was more demand
18 management that could be achieved, there were changes
19 in other factors of the priority options, then certain
20 of those facilities would be delayed.

21 THE CHAIRMAN: I wasn't asking you to
22 answer the question because I think it is a rather
23 difficult one. It seems to me that is the crucial
24 question. But I didn't want to perhaps at this stage
25 of this morning get into that.

1 MR. B. CAMPBELL: It's definitely the
2 right question. I took it as an invitation.

3 THE CHAIRMAN: Thank you, Mr. Campbell.

4 MR. B. CAMPBELL: Mr. Chairman, I should
5 point out that your question is specific to
6 approvability. The obligation placed on the proponent
7 extends, in my submission, under the Act somewhat
8 beyond that, which is why we have taken the position we
9 have with respect to major supply options, for example.

10 The Act does not, because of a lack of
11 ability of the Board to approve, relieve the Board of
12 the obligation to consider the advantages and
13 disadvantages of alternatives to, and I will make no
14 submissions on the matter of the characterization.

15 THE CHAIRMAN: Now I know that Mr. Poch
16 is one person who wants to make submissions, that is
17 Mr. David Poch on behalf CEG and perhaps others.

18 Who else is planning? Mr. Rodger, Mr.
19 Mark.

20 MR. BULLOCK: Mr. Bullock, Mr. Chairman,
21 B-u-l-l-o-c-k.

22 THE CHAIRMAN: On behalf of?

23 MR. BULLOCK: Canadian Nuclear
24 Association, sir.

25 THE CHAIRMAN: Mr. Mattson?

1 MR. MATTSON: Yes, Mr. Chairman.

2 MS. McDOWELL: Ms. McDowell on behalf of
3 the North Channel Advocates.

4 MR. HEINTZMAN: Mr. Heintzman on behalf
5 of AECL.

6 THE CHAIRMAN: Any one else?

7 Ms. MacDonald, yes.

8 MS. MACDONALD: Pat Moran will be
9 speaking on behalf of the government, Mr. Chairman.

10 THE CHAIRMAN: Anyone else?

11 MR. MONGER: Mr. Monger on behalf the
12 Consumers' Association.

13 MR. ROGERS: Mr. Chairman, my name is Don
14 Rogers. I don't propose to say anything else provoked
15 on behalf of the Ontario Natural Gas Association.

16 THE CHAIRMAN: And you're not easily
17 provoked, I know that. [Laughter]

18 MR. COLBORNE: Mr. Chairman, Mr. Colborne
19 on behalf the NAPA, although I suspect what I will be
20 saying may well have been said by other counsel.

21 THE CHAIRMAN: Anyone else?

22 MR. POWER: Likewise, Mr. Chairman, Mr.
23 Power on behalf the South Bruce and the City of
24 Toronto, and I hope that what I have to say will be
25 said by others before me.

1 THE CHAIRMAN: All right.

2 Perhaps we will start with you, Mr. Poch,
3 if that's convenient.

4 MR. D. POCH: Thank you, Mr. Chairman.

5 SUBMISSIONS BY MR. D. POCH:

6 I have instructions to speak on behalf of
7 my own clients, CEG, as well as Northwatch, IPPSO, I
8 understand NAPA agrees with the position we are taking,
9 also on behalf of Voice of Women, the Public Health
10 Coalition, Moose River James Bay Coalition and NAN
11 Treaty #3, MDAB, and MCC, North Shore Tribal Council,
12 UCCM, UOI. I will be brief.

13 We are all in agreement that the update
14 represents a major change in both the approvals program
15 in our view affects the planning methodology as well.

16 On the 15th I wrote to Mr. Campbell and
17 asked for provision of the background data, the
18 background studies analyses, and so on, and I was
19 informed on Friday day that those materials are in
20 production and will be forthcoming shortly.

21 In light of that, we are joined in asking
22 the Board to grant us a two week adjournment until
23 February 10th. There is the hope that we could proceed
24 with the Panel 8 scoping towards the end of that,
25 perhaps February 6th, and it is our position that since

1 the Board cannot sit this week on Thursday and Friday
2 anyway, we have assumed that Panel 8 could not begin
3 before February 3rd anyway and the additional week we
4 ask for at this time would allow us to analyze the new
5 information, assuming it's forthcoming, to continue to
6 have meetings with one another, and in some cases with
7 Ontario, and to obtain instructions.

8 Similarly, we would ask an extension of
9 the time for the submission of proposals for intervenor
10 case ordering and timing which some believe the update
11 may affect.

12 Speaking only for myself --

13 THE CHAIRMAN: To bring us up to date, I
14 believe that's currently scheduled for February 6th; is
15 that correct?

16 MR. D. POCH: That's correct, Mr.
17 Chairman.

18 Speaking for myself, representing the
19 Coalition always means a delay in obtaining
20 instructions and the problem is exacerbated by the
21 breadth of the discussion that has ensued with the
22 filing of this document.

23 Finally, Mr. Chairman, it is important to
24 note that the document has potentially at least
25 significant impacts on the Panel 8. The new plan to

1 retrofit the environmental scrubbers and so on, on the
2 fossil plants, appears to lead to the potential of
3 greater reliance on those facilities in the period
4 prior to 2009.

5 So, quite apart from any new issue
6 arising from the fossil life extensions, there is also
7 a major issue arising from the plan to, in our view at
8 least, to displace conservation and non-utility
9 generation in the interim with more coal.

10 Now, the extent of the change is as yet
11 unknown in that we don't have the data. It may not be
12 significant, it may be significant. Parties will
13 differ on their assessment of that.

14 I have asked Mr. Campbell's staff to
15 provide us with LMSTM outputs and so on, which I can
16 appreciate may take some time to simply photocopy and
17 get to us so we can assess those things.

18 Some of us may be constrained by our
19 intervenor funding as to what tasks we can assign our
20 experts as well, and there is at least the possibility
21 that we will need to obtain permission from the funding
22 panel to reallocate. One would hope we could get away
23 with reallocation.

24 As for today, Mr. Chairman, again I have
25 no instructions from others, but from my clients we

1 have no objection of other parties who wish to address
2 the Board on the implications of Exhibit 452 today, but
3 we would prefer not to, to give ourself a little chance
4 to digest.

5 THE CHAIRMAN: Okay. Just let me make
6 sure I have the timetable that you proposing in my
7 mind. There is a date which as of yet has not been set
8 for the statement of concerns for Panel 8, which is
9 then to be followed by the scoping and then followed by
10 the Hydro evidence.

11 What do you propose for that, that
12 scheduling?

13 MR. D. POCH: One moment, Mr. Chairman
14 It's apparent to me in discussing this
15 matter with Mr. Campbell and Mr. Howard, that I may
16 have spoken too quickly on the dates.

17 I understand that it does take Hydro as
18 much as a week to turn the various statements of
19 concern into a unified document, have them vet it,
20 before scoping. That being the case, I have diminished
21 confidence in our a capability to do scoping on the
22 6th.

23 THE CHAIRMAN: We did scoping - I just
24 throw this out - for 7, which is, I realize, a
25 different kind of panel, but we did the scoping in the

1 morning of the first day of evidence there and then
2 Hydro proceeded with its evidence following that.

3 I don't know how long you think your
4 evidence will be, Mr. Howard.

5 MR. HOWARD: Well, it will be a day and a
6 half.

7 But depending upon when you set the date
8 for statements of concern, as I said to Mr. Poch, we
9 would like to have a week before scoping. If that
10 turns out to be February 10th, that is fine. Because I
11 think the experience has been that that works.

12 There may be issues raised in the
13 statements of concern which we currently are not
14 planning to deal with, and that's why I would like a
15 week between, and if we have a week between and they
16 are all in on time, then we can adjust the evidence we
17 are going to give to meet statements of concern which
18 we didn't anticipate. I am sure we have anticipated
19 nearly everything, nearly everything but the kitchen
20 sink in there, but I have been surprised before.

21 So if the Board sets a new date for
22 statements of concerns, if we could have a week, then
23 we can do the scoping and commence the evidence on the
24 same day from our point of view.

25 MR. D. POCH: Mr. Chairman, obviously I

1 am without instructions from the longer list of parties
2 I spoke to.

3 Speaking only on behalf the CEG, if
4 anything, that information would provoke us to ask for
5 a longer adjournment rather than shorten the period
6 before which we would have to produce a statement of
7 concerns.

8 I fear the alternative is for us to
9 produce rather broad statements of concern since we
10 won't have yet seen the background material, and Hydro
11 will be running around preparing itself to present
12 evidence on matters which it may not need to do so.
13 That is a risk that I think Hydro and the Board best
14 assess.

15 THE CHAIRMAN: Well, thank you. Just
16 another point, it just occurs to me, 452 has quite an
17 implication, I suspect, for this hearing, and certainly
18 it has quite an implication and impact on what will go
19 into Panels 10 and 11. I think it seems to me that
20 perhaps without giving it as much thought as it's
21 entitled to, that it has less of an impact on the Hydro
22 evidence for Panels 8 and 9, none as far as I can see
23 on Panel 9 of any great significance other than the
24 extension of the need dates and some significant but
25 not entirely unexpected impact on Panel 8.

1 So, I would think that the time may not -
2 for the simpler task of getting reading for Panel 8 -
3 that perhaps we don't need quite as much time as we do
4 for the more challenging task of knowing what we are
5 going to do about Panels 10 and 11.

6 MR. D. POCH: Mr. Chairman, if I could
7 just respond ever so briefly.

8 Clearly much of what was already on the
9 agenda for Panels 8 and 9 are still on the agenda, it
10 would appear.

11 In the addition, though, we are faced
12 with assessing, for example, Mr. Campbell's comments,
13 with respect to what he is asking the Board for in
14 terms of the longer term for Panel 9, issues for
15 nuclear, and included in that is the potential for new
16 technologies, technologies in my client's case we
17 weren't funded to go into great detail over, which may
18 be pleasing for every one to hear.

19 [10:40 a.m.]

20 So it is just those kinds of issues that
21 we are wrestling with now. I can assure you that there
22 is quite a lot of agreement that no one wishes to see
23 any great delay and, if anything, people are searching
24 for ways to speed up the process.

25 THE CHAIRMAN: Well, the key date seem to

1 be in your submission the setting of the date for the
2 filing of the statement of concerns. Then it seems to
3 fall into place one week after that the scoping session
4 would occur.

5 Do you agree with Mr. Howard's suggestion
6 that then he could immediately present his evidence and
7 the parties could then -- scoping sessions up to now
8 haven't been very troublesome to be truthful and that's
9 to great credit to all the parties, I would like to
10 say.

11 MR. D. POCH: That's certainly been our
12 experience, Mr. Chairman, and one would hope that there
13 wouldn't need to be much delay at all after scoping
14 before commencing with evidence. We could well proceed
15 the same day for example.

16 But the hesitancy I have is placing the
17 submission of statements of concern before people have
18 had a chance to think about the implication of 452 and
19 perhaps before we have been back to see you to the
20 extent that it affects the scope.

21 THE CHAIRMAN: But bear in mind we are
22 only talking about the statements of concern for Panel
23 8. We are not talking about all the other many, many
24 implications of 452.

25 MR. D. POCH: And we are in your hands

1 about that, Mr. Chairman. I just would point out there
2 is some risk in our submission of statements prior to
3 that date. I think they will tend to be broader,
4 that's all.

5 THE CHAIRMAN: Thank you.

6 Mr. Rodger.

7 MR. RODGER: Thank you, Mr. Chairman.

8 SUBMISSIONS BY MR. RODGER:

9 Mr. Chairman, AMPCO is in a similar
10 position to my friend Mr. Poch's client and some of the
11 other groups on whose behalf he just spoke. We really
12 can't give a definitive statement at this point in time
13 on what this update means to our case. But I would
14 like to provide the Board with our initial reaction and
15 raise what fundamentally is what we see the key
16 substantive question that the Board must answer. And
17 in that regard we are seeking the Board's direction
18 with respect to this update.

19 The central substantive question that
20 AMPCO sees really goes to the perimeters of what this
21 hearing is all about and what matters the Board will
22 now adjudicate on. In this regard, the matter can be
23 broken down into two parts. And you mentioned earlier
24 on this morning when you talked about what was the
25 nature of the undertaking and indeed that is the

1 crucial question.

2 From the initial Exhibit 3, the 1989
3 Plan, Hydro in general terms described the undertaking
4 as a program designed to meet Ontario's electricity
5 needs for the next 25 years.

6 However, from the update now, it is
7 unclear to AMPCO, at least, what the outcome of this
8 hearing is going to be. Is this hearing and the
9 decision of the Board, is that intended to be a
10 blueprint for utility planning in Ontario for the next
11 25 years or essentially is Ontario Hydro seeking
12 approvals for a range of hydraulic development plus a
13 few new transmission lines. I think until we get that
14 answer from the Board, we can't proceed any further.

15 Now, to date, AMPCO has been involved in
16 this process under the assumption that your decision
17 will in fact provide the analytical framework, if you
18 will, on which future boards will look to when
19 considering future need.

20 If I can just refer you to Exhibit 3, in
21 Chapter 19, page 19-1, and this was the approvals
22 chapter, in that chapter Hydro described the specific
23 purposes that were associated with the program, with
24 the undertaking.

25 One of the points that identified was to

1 obtain approvals which will avoid duplication of the
2 consideration of planning issues in subsequent program
3 applications. I think the key words there are the
4 "planning issues".

5 Now, if you have Exhibit 452, which is
6 the update, and if you go to page 32, which is the new
7 approvals chapter, AMPCO is unsure now if this is still
8 applicable. Halfway down page 32, there is a heading
9 "Matters Under Consideration by the Environmental
10 Assessment Board" and it lists a range of issues.

11 And the final paragraph states:

12 The Board's views on these and related
13 questions will be pertinent, both to
14 planning generally and to the remaining
15 approvals being requested.

16 Well, it is AMPCO's position that the
17 decision of this Board will not merely be pertinent to
18 planning matters generally, it will be the framework on
19 which future Boards will decide; and that should
20 include, in our submission, future hearings where the
21 issue is major supply options.

22 Now, on the top of page 33 of Exhibit
23 452, the update, the first paragraph identifies that
24 Hydro is no longer speaking approvals for major fossil
25 and nuclear. Then it goes on to state that:

1 This does not eliminate the need to
2 review fossil and nuclear options, at
3 least at a generalized level, because as
4 is mentioned earlier, the Environmental
5 Assessment Board is required to consider
6 alternatives to the undertaking for which
7 approvals are sought.

8 Well, the issue that my client is trying
9 to address, and again we are seeking direction from the
10 Board, is that is Hydro correct with this statement
11 that fossil and nuclear will only be reviewed at a
12 generalized level? It would seem to us that those
13 options are now even more important than they were
14 before and that even a more fuller job should be done
15 with respect to their review.

16 This is crucial for my client's
17 preparation of its own case for in the past it hadn't
18 really anticipated in a sense being a proponent of a
19 particular option. But to give you one hypothetical,
20 my client now might take the position that an
21 alternative method of carrying out the undertaking may
22 be to plan for the upper load forecast, for example,
23 and it may include a major supply option now in terms
24 of this approval. So that's why the direction is
25 important to my client.

1 I really can't go to AMPCO now and say,
2 this is the case you have to meet, because I am unsure
3 because of what the update has introduced. Our
4 position with respect to this update, it really will
5 depend on how the Board answers the questions I have
6 put to you. If you answer no, our decision isn't
7 intended to be providing this planning framework, then
8 at this point in time I can't give you AMPCO's
9 position, we are going to have to consider the matter
10 further.

11 If on the other hand you say yes, our
12 decision will represent the planning framework for
13 utility planning in Ontario for the next 25 years, then
14 I think we really do need an adjournment because we
15 need more information, more details from Ontario Hydro.

16 And just to give one example of the type
17 of information that we need - and I could give examples
18 for all panels - but if we just go to Panel 10 now. As
19 you are aware, Mr. Chairman, my client has asked
20 questions really from Panel 1 on Hydro's contingency
21 plans: If option doesn't work what will be replaced?

22 Just to give you an example of this, if
23 you can turn to page 29 of the update. As I understand
24 it, this in essence does provide some overview of what
25 Hydro will do to put in alternate options. And the

1 first box under "Element", is going to promote demand
2 management and non-utility generation. The risk that
3 they have identified is that targets are not achieved
4 and the response or one response would be to build CTUs
5 and other major supply and to advance the hydraulic
6 plan.

7 Well, we really need details on this.
8 For example, what is the timing considerations involved
9 in that process? Let's say for example that Ontario
10 Hydro looks like it's not going to achieve the amount
11 of demand management that it anticipates, suppose
12 hypothetically speaking that Hydro only obtains a
13 quarter or a third of the demand management results.
14 At what time do they say, we are going to shift gears
15 and we are going to look at different options. And
16 when they shift gears to look at different options,
17 what are the considerations that go into place that
18 might make a major supply option preferable over a CTU?
19 I think those kinds of issues need to be addressed and
20 we don't have that information at this time.

21 Now, in terms of the adjournment, I would
22 support Mr. Poch's recommendation of an initial two
23 weeks so we can more carefully consider our thoughts.
24 But, as I say, depending on the Board's direction and
25 if we do need further information from Hydro, like I

1 have just identified, that may entail a longer
2 adjournment. And by that, I don't mean that the
3 interrogatory process should be opened up again but I
4 think there has got to be some way that parties can
5 identify concerns raised from the update and submit
6 those to Ontario Hydro.

7 Now I would like to wait before I review
8 the material that Hydro is preparing right now before I
9 speak further on that, but I think as a practical
10 matter I might be up again before you to make that
11 request.

12 Finally, as another practical matter, as
13 one of the parties who is proposing the issue by issue
14 approach, I can't advise my client to finalize his
15 position with respect to that matter, again because
16 right now I am just unsure of what the case is that we
17 will be presenting to the Board because of that update.

18 We did have a deadline of January 30th to
19 get written submissions in to the Board on the issue by
20 issue approach and the intervenor by intervenor
21 approach and I would suggest that that be now held open
22 until these matters are resolved.

23 Those are all my comments, Mr. Chairman.

24 THE CHAIRMAN: Do I understand correctly
25 that your main concern doesn't impinge a great deal on

1 your ability to conduct the cross-examination of Hydro
2 in Panels 8 and 9 but it does have a major concern with
3 respect to now Panels 10 and 11?

4 MR. RODGER: Actually we are concerned
5 about Panels 8 and 9 as well. For example, with the
6 life extensions, just to give you one example, we are
7 unsure now what Hydro is going to do with the extra
8 solid waste for example from those life extensions.

9 THE CHAIRMAN: I'm not saying these
10 aren't important issues. I am narrowing the question
11 down to your ability to cross-examine Hydro on its
12 position with respect to that.

13 MR. RODGER: I think it will. And as I
14 say, I think I would have to review the updated
15 material that Mr. Howard mentioned first before I can
16 answer that question, but my initial reaction is that
17 yes, it will affect our ability to cross-examine on
18 Panel 8.

19 THE CHAIRMAN: The key date that we have
20 to think about, at least the initial date we have to
21 think about - there are a number of things we have to
22 think about - is the statement of concerns for Panel 8.
23 What is your suggestion that that date should be?

24 MR. RODGER: Well, we have in fact
25 already submitted our statement of concerns and we

1 would be content to let the process go on right now.
2 But should there be sufficient changes in the updated
3 material that we are expecting, then we may have to
4 revisit that.

5 THE CHAIRMAN: I am not quite sure what
6 updates you are referring to.

7 MR. RODGER: I understood Mr. Howard to
8 say that there was going to be another memoranda with
9 respect to Panel 8.

10 THE CHAIRMAN: Just on the health
11 effects; is that right?

12 MR. HOWARD: On the health effects.

13 MR. RODGER: I believe that's right. And
14 that in itself could -- I am not saying it will, but
15 I'm saying it could, and I just don't want to close any
16 doors until I see that document.

17 DR. CONNELL: Mr. Rodger, under the
18 original DSP, there were risks of rapid load growth or
19 failure of demand management and there was certainly
20 the possibility of this panel addressing contingency
21 plans. I understand from your presentation that that
22 risk is now more palpable to your client, but what is
23 different in principle?

24 MR. RODGER: I think the references in
25 the update particularly to the major supply options,

1 and that one quote that I read from page 31, my client
2 got the impression that now would be a more general
3 overview of the major supply options, that while they
4 were being presented as an alternative method it wasn't
5 seriously contemplated by Hydro that that was now
6 viable and we may take a very different view of that.
7 And also the load forecast has been changed in terms of
8 in the past, and AMPCO supported this, that the
9 appropriate long-term planning was to plan for the
10 upper load scenario and that has been changed now and
11 Hydro is planning to the median and AMPCO sees that as
12 a very short-term planning process.

13 [10:55 a.m.]

14 So I think those two factors have given
15 rise to those concerns.

16 DR. CONNELL: Thank you.

17 MR. RODGER: Thank you.

18 THE CHAIRMAN: Thank you, Mr. Rodger.

19 Mr. Mark?

20 MR. MARK: Thank you, Mr. Chairman.

21 SUBMISSIONS BY MR. MARK:

22 Mr. Chairman, just so there is no doubt
23 as to where my client stands.

24 At the outset it should be made clear
25 that we consider the nomenclature update for this

1 document is really somewhat euphemistic. The nature
2 and extent of the changes both in the approvals sought
3 and in the planning strategy and philosophy adopted by
4 Ontario Hydro and reflected in this document cannot be
5 overstated.

6 To think, frankly, that we can pause for
7 a week or ten days or two weeks and then soldier on
8 with the evidence, as much as we all want this hearing
9 to be completed and as much as we are all impressed in,
10 I think, the manner that it has gone on today, that
11 simply quite frankly in our view is probably not
12 possible.

13 We are all familiar with the nature of
14 the changes in the approvals sought which are suggested
15 by this update.

16 Mr. Rodger a few moments ago I think
17 started to touch upon what in my submission, Mr.
18 Chairman, is by far the more fundamental question, and
19 that is the change in planning strategy and philosophy.

20 Hydro has expressly said in its document
21 that it has moved from the underlying strategy of the
22 DSP, which was planning to the upper with flexibility
23 incorporated, to an entirely new philosophy which is
24 planning to the median, which Hydro acknowledges in its
25 own words, has an assumption of a higher degree of risk

1 associated with it. That's set out in the document.

2 That analysis or that change is radical
3 from an electricity planning point of view.

4 It's implication is, again as Mr. Rodger
5 has suggested, and this is reflected in the approvals
6 sought, the implication is that Hydro is now planning
7 to the short-term.

8 This raises the question that you raised,
9 Mr. Chairman, and that is, at some point we must
10 address the question of what is the undertaking that
11 Hydro is now proposing.

12 On our initial reading of the update, I
13 respectfully suggest that there may be room to view
14 this undertaking as being something substantially
15 indifferent in nature as it is presented now than it
16 was presented in the DSP in 1989.

17 It is permissible for Ontario Hydro to
18 say, our initial planning was a 25-year plan and we
19 were seeking the approvals necessary for that, but now
20 we think it's prudent only to plan for the short term,
21 for whatever reasons, and I am not suggesting the
22 reasons may not be borne out in the end, and then ask
23 this Board to embark upon what may ultimately simply be
24 really a collection of three site-specific hearings.

25 We have what is left is the Manitoba

1 transmission line and a select number of hydraulic
2 sites. Under like the other options, Mr. Chairman,
3 that those are options which can only be located in
4 specific places.

5 So, if Ontario Hydro is saying, we are
6 going to plan to the short term and the options we need
7 approval for are ones where nobody has to concern
8 themselves about whether the plan should be located at
9 point A or at point B, what is the utility of this
10 process, and how is this Board going to continue and
11 define that process?

12 The parties, in my submission, Mr.
13 Chairman, need a fair deal of time to consider those
14 issues. All the implications from the update are not
15 clear. There is quite a lack of information, I don't
16 suggest this is anyone's fault, but to even proceed
17 with an intelligent assessment of the update on the
18 information now available is, I suggest, a perilous
19 course.

20 Let me give you but one example. Hydro
21 justifies the change in planning philosophy on what it
22 calls a penalty cost analysis. That is the process by
23 which you analyze and assess the costs of over-planning
24 on the one hand, against the costs of under-planning on
25 the other hand. That is the analysis which dictates

1 which approach is really the least cost approach for
2 the utility.

3 Ontario Hydro references those documents
4 in the update, they haven't been provided. I can't
5 conceive, Mr. Chairman, that an intelligent review of
6 that process can be undertaken within two weeks, a
7 month even, from now until they are on the table.

8 The changes to aspects of the plan which
9 have already been the subject of some evidence to date
10 are large as well.

11 You, Mr. Chairman, alluded to the changes
12 in the load forecast. And it is not only the question
13 of the discrete changes, but there is the issue of the
14 importance of those changes in the context of the new
15 planning approach Hydro takes. It may be one thing to
16 say if Hydro had maintained the original planning
17 philosophy, that they now have a double-sized
18 uncertainty bandwidth where the upper range remains the
19 same, but when one adopts a different planning
20 philosophy, the implications and the foundation of that
21 change in the bandwidth becomes very vital.

22 We have had evidence thus far on the
23 existing system. Well, we now have a whole new
24 proposal on fossil life extensions. We have had
25 evidence on demand management and non-utility

1 generation. While we haven't done a complete a
2 analysis, Mr. Chairman, I don't know it's fanciful to
3 suggest that one must, to an extent, be prepared to
4 consider revisiting those panels when they are the only
5 significant supply options relied upon in the short
6 term. Where the forecast of those options were
7 predicated upon an avoided cost analysis which is now
8 going to be fundamentally changed because it was based
9 upon facilities to take us in the future which are no
10 longer being put forward for facilities for which
11 approval should be given.

12 So, Mr. Chairman, both in terms of the
13 undertaking itself, the approvals requested and the
14 planning strategy, there are fundamental and
15 significant differences which cannot be minimized.

16 In my submission, this Board should be
17 pausing for a not inconsiderable period of time to
18 allow the parties, firstly, to assess the impacts of
19 the update in several respects; to consider what the
20 undertaking is; to consider if the hearing is to go
21 forward, what issues this Board is going to be called
22 upon to determine; to consider, on the assumption the
23 hearing proceeds, what, if any, revisitation of
24 previous witnesses is going to be necessary; what
25 process of documentary production is going to be

1 required, because in my submission, Mr. Chairman, it is
2 evident there is going to have to be a considerable
3 production of studies and documents by Ontario Hydro;
4 to consider - and perhaps this will come up in the
5 context of the discussion of intervenors' cases, which
6 is I think is a discussion which must obviously be
7 deferred now - to consider what impacts the update is
8 going to have on the structure of the hearings, and
9 lastly, I suggest to you, Mr. Chairman, and certainly
10 in my submission from our initial review, there may
11 well be some need to consider issues of supplementary
12 funding.

13 If the further analysis that we undertake
14 with our consultants bears out, as I have suggested the
15 preliminary conclusion that there a radical change in
16 the planning philosophy here, I can tell you, Mr.
17 Chairman, to do that justice I don't think will be
18 possible given the budgets remaining. One must
19 appreciate that a large amount of the expenditure to
20 date I think is going to be wasted.

21 In view of the necessity of this Board
22 considering those questions, Mr. Chairman, I think that
23 coming back ten days or two weeks from now is frankly
24 going to be a pointless exercise.

25 I think what you will hear, might I

1 suggest two weeks from now, is, all right, we have sort
2 have got a better handle on the issues that we are
3 going to have to talk to you about, and now let's start
4 addressing those on our own and we will come back to
5 you again.

6 I suggest, Mr. Chairman, that the more
7 appropriate course to keep the hearing moving as well
8 as possible and also in facing the reality that the
9 update presents, is to take a more significant
10 adjournment of the hearing at this time, to set a date
11 at reasonable time in the future for the parties to
12 return prepared with their motions or submissions as to
13 those items that I indicated to you before I thought
14 you would have to address, and give the parties in the
15 meantime sufficient opportunity to put their cases
16 together to address those issues so we don't proceed
17 with a hodgepodge affair which I feel will drag matters
18 out longer than that.

19 I would suggest, Mr. Chairman, that you
20 seriously consider adjourning the hearing for a period
21 of approximately six weeks, during which time the
22 parties are at liberty to request of Ontario Hydro at
23 least an initial level of background studies by way of
24 interrogatory. If Hydro thinks the requests are too
25 onerous they can perhaps seek the Board's direction on

1 that. And that the parties be instructed to return on
2 the date you set, which I suggest be about six weeks
3 hence, to deal with the issues that I set out before,
4 so that the Board can then on that date take all the
5 submissions, presumably retire, make an
6 all-encompassing decision on what the future holds for
7 the hearing and the way it's going to proceed and take
8 it from there.

9 With respect to Panels 8 and 9, Mr.
10 Chairman, unfortunately I don't share what I sense is
11 your hope, if not your belief, that we can proceed with
12 it so quickly.

13 While undoubtedly many of the issues with
14 respect to, for example, fossil, which are raised by
15 the update, were in a fashion on the table before. I
16 don't think it's appropriate, respectfully, to minimize
17 I think what Dr. Connell properly recognized is a
18 change in the level of the parties' concern and
19 interest in some of those issues.

20 It is one thing to say, well, you have
21 known, there has been a question of life extension on
22 the table so why can't you proceed with
23 cross-examination next week. Well, when the proponent
24 does a complete change of position on the issue, the
25 approach one takes and the level of investigation and

1 analysis one undertakes and the type of investigation
2 and analysis one undertakes changes as well.

3 We need the time, Mr. Chairman, to
4 reassess how the characteristics of fossil generation
5 coincide with the new plan put forward by Ontario
6 Hydro, which does not, for example, have over a certain
7 time frame an increment of non-emitting base load
8 generation such as nuclear, but now Hydro recognizes
9 that if load forecast is short we are going to have
10 reliance on CTUs, how does fossil fit into this with
11 its operating characteristics?

12 The alternative technologies that Mr.
13 Poch alluded to, to what extent is Hydro suggesting
14 that that is a real and serious alternative to 6,000
15 megawatts of new supply and to what extent are we going
16 to have to address that?

17 The cost issue of fossil becomes ever
18 more important now.

19 I suggest, Mr. Chairman, that in those
20 circumstances - and that's just a sampling of them -
21 as desirable as it may be to soldier on, Mr. Chairman,
22 I think one must stop and say that reality is somewhat
23 different as we stand here today. Hydro has chosen to
24 make these changes which involve changes in some
25 fundamental assumptions, and I don't think that

1 everyone can expect us simply to soldier on
2 notwithstanding.

3 Subject to any questions, Mr. Chairman,
4 those are my submissions.

5 THE CHAIRMAN: Thank you, Mr. Mark.

6 Mr. Bullock?

7 SUBMISSIONS BY MR. BULLOCK:

8 Mr. Chairman, this is my first appearance
9 before this Board. As the panel may know, I was
10 appointed counsel for the Canadian Nuclear Association
11 in September of this year, and have been participating,
12 Mr. Chairman, certainly throughout out the
13 interrogatory process for Panels 9, 10 and 11, and of
14 course through the efforts of like-interested parties
15 to coordinate intervenors evidence.

16 So certainly while I haven't appeared in
17 person before you, Mr. Chairman, Members of the Panel,
18 my client has been very active over the last couple of
19 months in preparing to address some of the nuclear
20 issues that they are particularly interested in in the
21 forthcoming panels.

22 Mr. Chairman, I find myself in
23 substantial agreement with the submissions of the
24 gentleman preceding me.

25 My client at this point in time is simply

1 not in a position to have made any final conclusions on
2 the implications of the changes in Exhibit 452. I
3 would echo the gentleman's comments, Mr. Chairman, that
4 they are significant changes. The difference in
5 planning philosophy, the median, the upper issue; the
6 question of the breadth, I think, Mr. Chairman, of the
7 evidence and cross-examination that will be allowed on
8 some of the nuclear issues in Panel 9, for instance.

9 I would submit to you, Mr. Chairman, that
10 the direction that Mr. Rodger has suggested from the
11 Board is necessary for particularly my client who is
12 striving to put together a cogent case, if you will, on
13 some of the Panel 9 nuclear issues; to really have a
14 sense of the scope of cross-examination that the Board
15 will be permitting in light of the Exhibit 452 and the
16 breadth and scope, Mr. Chairman, of the evidence that
17 the Board will be looking for from the intervenors on
18 some of the Panel 9, 10 and 11 issues.

19 So I certainly concur with Mr. Rodger
20 that some direction is needed from the Board. And
21 again, Mr. Chairman, I would echo the comments that the
22 significant changes in Exhibit 452 cannot be minimized.

23 My client at this point in time, Mr.
24 Chairman, has some very serious concerns about the
25 comments about the generalized level of evidence that

1 will be looked for or presented by Hydro on the nuclear
2 question. That of course is the page 33 reference in
3 the exhibit.

4 I concur with the suggestion, Mr.
5 Chairman, that what is really needed at this point in
6 time is a reasonable hiatus for people to assess their
7 positions. I would concur, Mr. Chairman, although the
8 six week suggestion may seem like a particularly
9 lengthy period, at this point in time given the
10 significance of some of the issues and the question of
11 direction, the question of the breadth and scope of the
12 evidence and the issues that this Board will be asked
13 to make decisions on, I don't think that it's an
14 inappropriate period of time to adjourn this matter,
15 Mr. Chairman.

16 THE CHAIRMAN: Thank you, Mr. Bullock.

17 MR. BULLOCK: Thank you.

18 THE CHAIRMAN: Mr. Mattson?

19 MR. MATTSON: Thank you, Mr. Chairman.

20 SUBMISSIONS BY MR. MATTSON:

21 On behalf of Energy Probe and in light of
22 comments of Mr. Poch earlier, Energy Probe would also
23 suggest to you, Mr. Chairman, that a two-week
24 adjournment would be beneficial in order to prepare
25 some comments with respect to how Exhibit 452 has

1 affected not only the hearing but our case in
2 particular.

3 I don't believe at this time, Mr.
4 Chairman, that a six week adjournment is necessary.
5 The preliminary findings of our consultants and our
6 discussion of how Exhibit 452 has affected this hearing
7 are that this has been a step in the right direction by
8 Ontario Hydro, it was wise change, the evidence to date
9 has supported it. I think many of the intervenors here
10 would support that this may in fact have been coming
11 for sometime, and that there are a number of issues
12 that still remaining outstanding and there are a number
13 of issues in the intervenor's cases that I would submit
14 still have to be considered. And the six week
15 adjournment certainly would not be necessary in our
16 submissions, but certainly a two-week adjournment would
17 help us prepare a little more with your consultants in
18 order to give you a better understanding of how we feel
19 the DSP has been effected by Exhibit 452.

20 Thank you.

21 THE CHAIRMAN: Thank you, Mr. Mattson

22 Ms. McDowell?

23 SUBMISSIONS BY MS. McDOWELL:

24 Good morning, Mr. Chairman. I appear on
25 behalf the North Channel Advocates, and like one of the

1 other gentlemen before me, I haven't period before the
2 panel before, but we have been working behind the
3 scenes.

4 The members of the NCA have reviewed the
5 demand supply update and submit that it should not
6 cause this Board to change the course of the hearing.

7 [11:15 a.m.]

8 At page 32 of the update, Ontario Hydro
9 has provided an illustrative list of the questions that
10 the Board will be asked to consider. The NCA agrees
11 with Ontario Hydro that all of these questions are
12 relevant but does not consider that the list at page 32
13 is exhaustive,

14 In fairness, since Ontario Hydro refers
15 to it as illustrative, it does not consider it to be
16 complete either, it appears. However, even that list
17 encompasses the majority of the questions that the NCA
18 believes the Board would address in reaching its
19 conclusions with respect to the original Demand/Supply
20 Plan. In other words, nothing has changed in the tasks
21 faced by this Board.

22 What has changed, Mr. Chairman, is that
23 Ontario Hydro has filed an update in which its planning
24 strategy and many of the forecasts have been revised.
25 Those forecasts raise at least as many questions and in

1 some cases perhaps even more questions than in the
2 original Demand/Supply Plan.

3 For example, the magnitude of some of the
4 changes in such a relatively short time from the
5 original plan is cause enough for concern. This Board
6 faces the task of weighing all of the evidence relating
7 to the changes in planning strategy and these forecasts
8 and deciding what the appropriate demand level should
9 be and what planning strategy is appropriate. It must
10 then evaluate the mix and the timing of the available
11 supply options that will best be suited to meet those
12 anticipated demands.

13 The NCA submits that unless this Board
14 has adequate evidence on all of the options, it will be
15 unable to properly evaluate either the planning
16 approach or the supply options and will be unable to
17 fulfil its mandate.

18 Ontario Hydro has now indicated that it
19 requires approval in only three areas and it claims any
20 shortfall of power from its forecast of primary load
21 could be met through CTUs and non-utility generation.
22 The effect of this change in planning methodology may
23 be to commit this province to supplying any such
24 shortfall with power at a higher cost than is
25 necessary.

1 Even if the median forecast of primary
2 demand is accepted by this Board as being reasonable,
3 the planning strategy must be considered in conjunction
4 with the supply options in order to ensure that the
5 power supplied at cost to the Ontario consumers is at
6 the lowest reasonable cost.

7 The NCA submits that the Board must
8 examine all of the available options in order to
9 determine if the mix and timing of the options proposed
10 by Ontario Hydro is acceptable; and, if not, to decide
11 the mix and timing it would consider to be appropriate.

12 The NCA also concurs with Mr. Rodger's
13 submission that some direction is required from the
14 Board on the matters that the Board will be
15 adjudicating upon to give us some guidance in that
16 area.

17 It would be the NCA's wish that the
18 hearing continue as currently scheduled. A number of
19 the parties speaking before me have asked for
20 adjournments of varying lengths. The NCA would not be
21 opposed to a brief adjournment, a couple of weeks,
22 something in that nature, but anything beyond that --
23 we would prefer to see the hearing go on as
24 expeditiously as possible.

25 With respect to the deadline for

1 submissions on the matter of presentation of the
2 evidence, the NCA probably can meet the January 30th
3 deadline but it is coming up very quickly and perhaps a
4 short extension of time might be appropriate.

5 Those are all my submissions. Thank you.

6 THE CHAIRMAN: Mr. Heintzman.

7 SUBMISSIONS BY MR. HEINTZMAN:

8 Mr. Chairman, in view of the remarks made
9 by previous speakers I will be very brief. Suffice it
10 to say that at this point AECL is not able to take any
11 position with respect to Exhibit 452. In our view, we
12 just don't have enough information yet and enough time
13 to take any position and I will say no more than that.

14 So far as the intervenors' evidence and
15 the timing of either January 3rd to submit written
16 materials or February 6th to speak to it orally, again
17 we just have not had enough time to address the issues
18 raised in Exhibit 452.

19 I think my basic concern is whether we
20 have enough information. Until we receive all of the
21 studies and information that lie behind Exhibit 452, it
22 would be my view that we just are not going to be able
23 to make an informed decision. I can't say whether it's
24 two weeks or six weeks, but I would say that when we do
25 receive the materials from Ontario Hydro that lie

1 behind Exhibit 452, all of the studies and all of the
2 information, then I would say two weeks from that date
3 is the date upon which we should return to address what
4 we then have on the table. I can't imagine that less
5 than two weeks would be necessary to make an informed
6 judgment upon the materials which we will then have in
7 hand.

8 THE CHAIRMAN: Thank you.

9 Mr. Monger.

10 SUBMISSIONS BY MR. MONGER:

11 Mr. Chairman, the Consumers' Association
12 is in support of Mr. Poch's motion for a two-week
13 adjournment. That's all. Thank you.

14 THE CHAIRMAN: Mr. Colborne.

15 SUBMISSIONS BY MR. COLBORNE:

16 Mr. Chairman, I would like to add one
17 point in support of the submissions that have been made
18 to the effect that an adjournment would be appropriate.
19 I represent a medium-size party which originally did
20 not plan to and had not budgeted to cross-examine Panel
21 8.

22 My client must now decide whether to
23 re-allocate resources and this requires a policy
24 decision which can only be made with some care and with
25 as many facts on the table as possible. So, I would

1 submit to yourself, Mr. Chairman, that the requirement
2 for an adjournment, as has been suggested, may actually
3 impact very severely on at least some of the parties at
4 this time. Thank you.

5 MS. PATTERSON: So what adjournment are
6 you supporting?

7 MR. COLBORNE: I agree that that may
8 depend on the material that is forthcoming, but I think
9 that my client would be satisfied with a two-week
10 adjournment.

11 THE CHAIRMAN: Thank you, Mr. Colborne.

12 Mr. Power.

13 SUBMISSIONS BY MR. POWER:

14 Thank you, Mr. Chairman. Mr. Poch on
15 behalf of the City of Toronto just wanted me to relay
16 to you that he will not be able to get instructions
17 from his client for at least two weeks because of the
18 nature of a large municipal client, but should be
19 prepared at that time to carry forth with whatever.

20 Regarding South Bruce, I support the
21 position that we need at least two weeks to consider
22 what has occurred, and I think my client in particular
23 needs some direction from the Board as to what the
24 undertaking is. If it is a planning philosophy, which
25 is what we started out with, that has certainly

1 affected the scope of our consulting work to date, the
2 draft report which we have prepared, and the scope of
3 the cross-examination for witness Panel 8.

4 If we are going for more site-specific
5 approval it essentially dramatically reduces what we
6 believe our role is in the hearing. I have not had an
7 opportunity to speak to my client about the
8 implications, but if the undertaking is site-specific
9 matters it does affect our involvement in the hearing
10 and our continuation in the hearing, if at all. So we
11 recommend at least two weeks, if not three weeks.

12 THE CHAIRMAN: Ms. MacDonald, Government
13 of Ontario.

14 MS. MacDONALD: Yes, Mr. Chairman, as we
15 indicated, Pat Moran will be speaking to the Government
16 position. He has been unexpectedly delayed and we
17 would like to advise him of what has preceded his
18 arrival.

19 THE CHAIRMAN: Time is running out. What
20 are we talking about? Where is he?

21 MS. MacDONALD: We are just going to make
22 an enquiry. He was expected and I wonder if we can be
23 given a few minutes just to ascertain his whereabouts.

24 THE CHAIRMAN: Mr. Rogers, are you going
25 to make any submissions? Are you provoked enough to

1 make submissions?

2 MR. ROGERS: No provocation and hence no
3 submissions. Thank you. [Laughter]

4 THE CHAIRMAN: Well, Ms. MacDonald, you
5 are lucky. It is just near the morning break.

6 MS. MacDONALD: Thank you, Mr. Chairman.

7 THE CHAIRMAN: So we will hear from Mr.
8 Moran immediately following the morning break or from
9 somebody from the Government of Ontario or else we will
10 assume the Government of Ontario has nothing to say in
11 this matter.

12 MS. MacDONALD: Thank you, Mr. Chairman.

13 DR. CONNELL: I would like to put a
14 question perhaps to Mr. Mark as the initial advocate of
15 the six-week adjournment and perhaps the same question
16 in a different context to Mr. Poch as the one who
17 introduced the two-week concept.

18 I assume that most parties, whether they
19 favour the two-week or the six-week adjournment, are
20 anticipating some redefinition of the undertaking and
21 some further clarification of the role of the Board.

22 I would be interested perhaps after the
23 break in having both Mr. Mark and Mr. Poch state in
24 their view when that redefinition would take place in
25 the context of the six-week adjournment or the two-week

1 adjournment; that is, is it possible for that
2 redefinition to come at the end of the adjournment
3 period and then move directly into Panel 8 or would
4 they be anticipating an earlier redefinition?

5 I would like also to just put a question
6 out for Hydro, if I may. That is, with respect to Mr.
7 Heintzman's position about the documentation, I think
8 which was echoed by others, does Hydro have a good
9 understanding of the scope of documentation that Mr.
10 Heintzman and others are referring to? And can you
11 suggest when you might meet their expectations of
12 delivery of those documents?

13 THE CHAIRMAN: If it is possible to deal
14 with that now, that might help us over the break.

15 MR. HOWARD: Can we deal with it in two
16 parts. First of all, Mr. Campbell will speak to the
17 requests for documentation behind Exhibit 452.

18 But with respect to the undertaking, the
19 undertaking is defined in the first paragraph on page
20 32 of Exhibit 452. And the undertaking has not
21 changed. The undertaking is updated. But what has
22 been the undertaking from the day we filed Exhibit 3 is
23 a program in respect of activities associated with
24 meeting future electricity requirements, and that is
25 the same language which is in Chapter 19. There is the

1 definition of the undertaking.

2 And as we point out in the next
3 paragraph, the approvals continue to be sought based on
4 an action plan. And the whole process we have gone
5 through is to look at the components. We have not yet
6 looked at the fossil components as alternatives or the
7 nuclear components. The final two panels were to deal
8 with the planning and the action plan, so that in our
9 submission the undertaking is very clearly defined and
10 needs no further definition.

11 Now Mr. Campbell will speak to supporting
12 documentation to Exhibit 452. But I point out that in
13 the ordinary course there will be two panels and with
14 the amount of cross-examination that has gone on to
15 date there is a lot of time before Panel 10 will appear
16 before this Board.

17 MR. B. CAMPBELL: I would just echo that,
18 Mr. Chairman, in addressing the information
19 requirements. Much of what I have heard certainly
20 leads me to believe that the kinds of requests that we
21 are talking about are primarily oriented towards Panel
22 10. And there isn't much -- certainly there is huge
23 amounts of information that has already been provided
24 with respect to 8 and 9; and while parties may need to
25 go back over that to re-examine their position in light

1 of the adjustments that Hydro has made to it, for
2 instance, with respect to life extensions, there is
3 certainly in terms of an information base requirement,
4 that issue has been fully the subject of
5 interrogatories and other inquiries.

6 THE CHAIRMAN: I may have misunderstood
7 the submissions. I thought that among other things
8 some of the parties were also looking for some more
9 back-up to the changes in the fossil and nuclear
10 positions and that there was some indication that there
11 was going to be something coming forward on those.

12 The only one I remember specifically is
13 the health effects for Panel 8 but there may be others.

14 MR. B. CAMPBELL: And in the normal
15 course that information has been gathered together out
16 of interrogatory requests and we have been producing
17 these regularly. We have approached Panel 8 in exactly
18 the same way and Mr. Howard has been planning Panel 8
19 in precisely the same way that that has always been
20 done.

21 I agree that with respect to the position
22 on life extensions, Hydro has changed its position on
23 that somewhat and that has impacts at the end of the
24 planning period. But in terms of that issue being on
25 the table, it was quite clear that that issue has been

1 on the table for some considerable period of time and
2 certainly has been the subject of a great many
3 information requests.

4 That said, with respect to the material
5 relied on in the development of Exhibit 452, Dr.
6 Connell, in response to your question directly, we do
7 not now have what I would consider a good handle on the
8 kind of information that people are looking for. We
9 are starting to develop that. We have undertaken to
10 produce, for instance, the numbers behind all the
11 graphs, charts, et cetera in that document. That will
12 be available later this week.

13 I believe the updated load forecast will
14 be available later this week. Some of the other
15 information will take some -- that looks at the more
16 complicated computer runs and so on will take some
17 longer time to do and possibly some considerably longer
18 time to pull together.

19 We made every effort, as the Board will
20 be aware, to get the decision making done and get this
21 document out at the earliest possible opportunity, and
22 we are now going around and pulling all the papers out
23 from under people's desks and trying to assemble them
24 into some sort of order, but that is going to take some
25 time.

1 But some of the basic information on the
2 various runs and so on is going to take some period to
3 put out. But the kinds of requests that we have been
4 getting so far haven't given us much definition of
5 that. That's exactly why when I stood before you
6 earlier, we said we were going back out with the
7 outstanding 10 and 11 requests and an invitation to try
8 and define whether we can do what we did before, which
9 was develop kind of a common package that should
10 satisfy a range of requests, but we are nowhere in that
11 process yet. We just have not had a chance to speak
12 sufficiently with the intervenors to be able to develop
13 that, although I anticipate we will.

14 But again I view all of that as being
15 much more focussed on our Panel 10 than I do on the
16 issues that have long been outstanding on Panels 8 and
17 9.

18 THE CHAIRMAN: We will now take a
19 fifteen-minute break.

20 THE REGISTRAR: This hearing will recess
21 for fifteen minutes.

22 ---Recess at 11:33 a.m.

23 ---On resuming at 12:03 p.m.

24 THE REGISTRAR: This hearing is again in
25 session. Please be seated.

1 THE CHAIRMAN: Before I call on Mr.
2 Moran, perhaps if Mr. Poch or Mr. Mark had any response
3 to the question of Dr. Connell, this might be the time
4 to do that.

5 MR. MARK: Mr. Chairman, I am going to
6 volley it back and suggest, because the specific answer
7 is part of some broader remarks, perhaps we might hear
8 from the rest of the people who want to make
9 submissions, if that's not inconvenient.

10 THE CHAIRMAN: All right. Mr. Moran.

11 SUBMISSIONS BY MR. MORAN:

12 Thank you, Mr. Chairman, I apologize that
13 I wasn't able to be here earlier and thank God for the
14 coffee break. I understand it saved me. I did advise
15 Ms. Morrison I wasn't available to be here until now.

16 I only have a very brief statement to
17 make on behalf of the Government, ministries, and
18 agencies. We are strongly of the view that the current
19 hearings have to continue and that they provide a full
20 and thorough airing of all the issues that are facing
21 both Hydro and the province in assuring the reliability
22 of electricity supply in the long term.

23 And it will be up to this Board to make
24 judgments and decisions about the acceptability of all
25 the various demand and supply technologies and their

1 potential roles and the timing if need for any major
2 new supply. It will be appropriate for the Board to
3 consider a range of questions in arriving at such
4 decisions on the approvals that can be granted at the
5 end of these hearings.

6 Several of the parties have indicated
7 that they are interested in adjournment. We agree that
8 an adjournment would be useful to not only ourselves
9 but to the majority of the parties here today.

10 Something in the order of two weeks in my submission
11 would be appropriate; the two weeks will serve I think
12 very well to focus people's minds and energies on what
13 they want to do at this point.

14 A couple of parties have asked that the
15 Board consider making directions about what this
16 hearing is about. We are simply not in a position to
17 comment on any of that until we see what various
18 parties have in mind. And perhaps we may see some of
19 that at the end of an adjournment.

20 Those are my submissions.

21 THE CHAIRMAN: Thank you, Mr. Moran.

22 MR. MORAN: Thank you Mr. Chairman.

23 THE CHAIRMAN: Is there anyone else who
24 would like to make a submission? Mr. Greenspoon.

1 SUBMISSIONS BY MR. GREENSPOON:

2 Mr. Chairman, although I did instruct Mr.
3 Poch to speak on our behalf, I feel that given the
4 other submissions that have been made, I would be
5 remiss in not at least raising the objection, again for
6 the record, that Northwatch takes the position that
7 this Exhibit 452 is an amendment to the undertaking and
8 that the Act does not provide for that type of an
9 amendment. I raised that objection on Tuesday, the
10 14th of January, before the update, as Hydro calls it,
11 was filed.

12 We would request whatever adjournment be
13 given that it be without prejudice to us raising the
14 issue of whether the hearing can in fact continue with
15 the update as filed.

16 And for those reasons, we would resist
17 any other dates being set other than the date, the
18 returnable date that we are talking about today. In
19 other words, that the Panel 8 statement of concerns
20 cannot be filed prior to us coming back and deciding
21 what the issues now are.

22 THE CHAIRMAN: Thank you.

23 MR. GREENSPOON: Thank you.

24 [12:07 p.m.]

25 THE CHAIRMAN: Any other party who would

1 like to make any comments?

2 THE CHAIRMAN: Yes, Mr. Taylor.

3 MR. TAYLOR: Thank you, Mr. Chairman.

4 SUBMISSIONS BY MR. TAYLOR:

5 I appear on behalf of the Moosonee
6 Development Area Board and Moosonee Chamber of
7 Commerce.

8 Similar to Mr. Greenspoon, I instructed
9 Mr. Poch earlier concerning the request with regard to
10 the two-week adjournment, and I only would like to
11 supplement that by saying that with regard to my
12 client, Exhibit 452 constitutes in our view extreme
13 prejudice with regard to the hydraulic plan inasmuch as
14 we only recently completed our cross-examination on
15 Panel 6 in December and now shortly thereafter we find
16 that there is a considerably different position that's
17 being put forward in that regard.

18 I will be attending in Moosonee in the
19 very near future to get instructions from my client
20 with regard to that matter and thus a minimum of two
21 weeks would be an appropriate period of time.

22 Those are my comments at this time, Mr.
23 Chairman.

24 THE CHAIRMAN: Thank you. Anyone else?

25 Any party who has already made - before I

1 ask Hydro if they have anything further to say - any
2 party that has made submissions, do they have anything
3 they wish to add to what they have already said?

4 No.

5 Does Hydro have anything they want to
6 add?

7 MR. HOWARD: No, we have nothing to add,
8 sir. Thank you, sir.

9 THE CHAIRMAN: All right.

10 Mr. Poch, yes, go ahead.

11 MR. D. POCH: Both Mr. Mark and I wish to
12 respond to Dr. Connell's query.

13 I think there is widespread agreement
14 that there is a need for further detail before
15 commencing the Panel 8 exercise. From what we heard
16 from Mr. Campbell earlier I might have been overly
17 optimistic about how soon we would have that sufficient
18 information, and that may well push out the envelope,
19 if you will, of time needed for the adjournment.

20 It may be helpful, if before we adjourn
21 today, that Mr. Campbell give us some greater detail on
22 that and perhaps the Board might wish to provide
23 direction to Hydro in that regard so that we can obtain
24 some degree of assurance on when the information will
25 be available.

1 I think that is a distinct question from
2 the one that Dr. Connell posed, that is the question of
3 scoping of the hearing really. What are the issues
4 before this Board, what have they been from different
5 parties' perspectives, what should they be. I can give
6 one example: Is it this Board's attention to delve
7 *into the post 2005 or so period, as apparently the
8 Board is being invited to do by Hydro's documents, or
9 can the Board now decide to avoid that discussion, and
10 that would of course impact on our planning for the
11 hearing.

12 I should say in proposing two weeks we
13 were cognizant of the need to keep things moving along
14 and not to have this hearing drift off into some
15 undefined hiatus, but it was not our intention to
16 strongly resist a longer adjournment, and I have some
17 sympathy for extending that period.

18 Thank you.

19 THE CHAIRMAN: Thank you.

20 MR. MARK: Mr. Chairman and Dr. Connell,
21 when I suggested six weeks, I was indeed anticipating
22 that what would happen on day 42 from now is that that
23 is a day upon which you will hear submissions at least
24 as to the scope of the hearing, there is an issue on
25 the table clearly as to whether it is an amendment to

1 the plan, those sorts of issues, if not more.

2 I don't understand Mr. Poch to suggest -
3 and he can correct me if I am wrong - I don't
4 understand him to suggest that necessarily two weeks
5 from now the parties will be back here to make those
6 submissions. In fact, I would think that given that
7 some clarifications at least are required from Ontario
8 Hydro, and that given the importance and significance
9 of the matters under consideration, we would expect
10 some type of notice of what is being advanced. If
11 somebody is advancing an argument that it's an
12 amendment and it can't be made, et cetera, there surely
13 must be some sort of notice of that and some process
14 for an exchange of positions.

15 Just being realistic, Mr. Chairman, I
16 think two weeks is a pipe dream. Whether it's four
17 weeks, five weeks, six weeks, I am not sure. Six weeks
18 strikes me as being appropriate given the work we have
19 to do.

20 You might well want to reconvene in two
21 weeks to see where parties stand and prescribe some
22 procedures, get some idea if people can be more helpful
23 as to what matters they are going to want the Board to
24 deal with at least in terms of their nature and
25 prescribe some procedures for filing positions and

1 exchange of information. But I envisage a system where
2 the submissions on the substantive issues are indeed
3 what will happen in six weeks and then after that there
4 will no doubt have to be some further discussions about
5 how some matters will proceed.

6 THE CHAIRMAN: Thank you.

7 Anybody else?

8 ---Off the record discussion.

9 THE CHAIRMAN: The fact that the break
10 took a half an hour instead of fifteen minutes, can
11 reasonably lead to inference that we have already had
12 some discussion about this and have reached a consensus
13 on what is a very difficult series of problems.

14 I think the main thing is that we are all
15 persuaded that there has to be a motion or some process
16 in which the scope of this hearing and the expectations
17 of the parties as to what this hearing will decide will
18 be addressed. We are all agreed on that.

19 We also agree with what Mr. Mark just
20 said, that there will have to be time for the parties
21 to think about the scope and that they should put in a
22 position paper or list of matters to be considered.

23 We have had a number of motions in this
24 hearing since it began, but this would, I think, be the
25 most significant and most important motion of all and

1 it needs the very best effort of everybody. It's not
2 an easy situation.

3 The question then becomes one of timing,
4 and working backwards. This scoping must be done, in
5 our view, no later than before Panel 10.

6 I guess what follows from that is that
7 the process of coordinating and discussing the nature
8 and extent of the intervenor cases has to be postponed.
9 We don't think that there can be much usefully done in
10 that area until the issue of the general scope of the
11 hearing has been addressed.

12 We are not persuaded that this
13 necessarily should hold up the evidence in Panels 8 and
14 9. There is some benefit to the scoping exercise, if I
15 can put it that way, from having the Hydro witnesses on
16 those two panels state the present position of Hydro on
17 both those major supply options. That may be of
18 assistance in dealing with the scoping of the entire
19 hearing.

20 In addition, although there are
21 significant changes and changes in emphasis, we think
22 that the parties can proceed with the Hydro evidence on
23 Panels 8 and 9 without prejudicing their position.

24 At what point in that process it would be
25 appropriate to hold the scoping session we are not

1 being definitive at this point. It might occur
2 immediately after the Panel 9 evidence has been
3 completed, or, let's say, the first Monday after the
4 time when the Panel 9 evidence is completed, but we
5 might decide that it should be earlier.

6 The first part of the exercise will be to
7 give the parties an opportunity to put their positions
8 in writing and circulate them so everybody knows where
9 the other parties stand. That probably needs some time
10 because of the need for representatives or counsel to
11 obtain instructions from their clients.

12 Panel 8 we think should go ahead
13 recognizing, as Mr. Poch said, that the parties may
14 have to protect their position by broadening their
15 statement of concerns, but Panel 8 should go ahead. We
16 think there should be two weeks from today for the
17 parties to put in statement of concerns and a following
18 week for Hydro to be prepared for the scoping. We
19 would suggest that we follow the pattern of the Panel 7
20 evidence, that we will do the scoping on the 17th - I
21 think my dates are right - the 17th of February, and we
22 would follow immediately with the Hydro evidence which
23 is estimated to take approximately two days.

24 I think I have covered perhaps the
25 matters that were dealt with this morning.

1 As far as Mr. Greenspoon's position about
2 the amendment to the undertaking, I think that is a
3 matter that could be dealt with in a formal way at the
4 scoping hearing when that occurs.

5 If anyone has any comments or questions,
6 that they would like to raise at this time, I would be
7 prepared to hear them.

8 MR. D. POCH: Mr. Chairman, I am just
9 wondering if Mr. Campbell can give us any better
10 advice, or the Board would seek it, on when we might
11 have the details.

12 MR. B. CAMPBELL: As was reflected in Dr.
13 Connell's question, I think I do need to speak to
14 intervenors to know the scope and so on of what they
15 are talking about. We are eager to embark on that
16 discussion as anyone, but it's very difficult for me to
17 give dates in the abstract.

18 THE CHAIRMAN: Mr. Taylor, did you have
19 something you wished to say?

20 MR. TAYLOR: Thank you, Mr. Chairman.

21 This may be somewhat redundant, but I
22 would like assurance that the background reports and
23 documents that lead to Exhibit 452 be released to the
24 parties.

25 I have heard discussions that that may be

1 forthcoming, but I would like the assurance, either
2 that or the Board order that that be forthcoming, so
3 that all the parties will have the same material that
4 they will be able review in order to make their
5 appropriate submissions on it.

6 THE CHAIRMAN: Mr. Campbell said that,
7 did he not?

8 MR. TAYLOR: Mr. Chairman, I wasn't sure
9 that that was what was forthcoming, that's why I came
10 to the podium again.

11 MR. B. CAMPBELL: That's exactly the kind
12 of thing that's contemplated. I do need some
13 indication, again, the particular things people are
14 looking for.

15 There is from time to time in this
16 hearing the rather peculiar theme that Ontario Hydro,
17 for every piece of work it does, it's carefully
18 documented in a nice, bound study, and so on. I am
19 afraid that that's just not real world.

20 There were enormous efforts made over the
21 fall to bring this analysis to a point and a conclusion
22 for decision-making purposes and, quite frankly, if
23 people think that led to three levels of approved
24 studies and carefully bound reports and so on, I can
25 tell them categorically that that's not so.

1 People have seen all the kinds of
2 information that have been produced in response to
3 other information requests. We need to have a
4 discussion about where particular focuses are and then
5 we are going to have to, as I say, dig around and get
6 that information together and distribute it. We are
7 quite willing, obviously, to undertake that effort, but
8 this notion of nice, neatly-bound studies and reports
9 has being the only way Hydro does its thinking is, I am
10 afraid, a little misleading.

11 THE CHAIRMAN: I don't want to get into
12 too much detail on this at this point, but I wonder
13 this, this a rare opportunity when most of the parties
14 are here today, I wonder if the panel retired then
15 there could be an informal discussion about some of the
16 problems that may be raised and more specific questions
17 could be addressed which we don't have to get involved
18 with. Would that be useful?

19 MR. B. CAMPBELL: I am quite content to
20 do that. Sometimes the numbers are a little
21 intimidating to that task when we have tried it before,
22 but certainly, I am quite willing to stay and talk to
23 whoever wants to.

24 THE CHAIRMAN: It can't do any harm,
25 anyway.

1 MR. B. CAMPBELL: It cannot do any harm.

2 THE CHAIRMAN: Mr. Mark?

3 MR. MARK: Mr. Chairman, I won't repeat
4 my earlier remarks about having some better idea of the
5 scope of the hearing before we get into the major
6 supply option panels, but perhaps we could have some
7 guidance in preparing our cases over the next three
8 weeks from the panel as to what may be on the table.

9 You will forgive me if I have some
10 difficulty expressing it but, for example, are we to
11 look at fossil and nuclear in particular, I think in
12 terms of debating whether ten years from now it should
13 be the next supply, or are we just talking about its
14 operating characteristics over the remaining life of
15 the existing stations.

16 There are tremendous issues of scoping
17 here which affect how we prepare and questions of
18 funding as well.

19 With respect, Mr. Chairman, I appreciate
20 your desire to proceed on with the evidence, but we
21 have to have some way, I think, before the scoping
22 session on the day of the panels of knowing what the
23 case is on those panels.

24 THE CHAIRMAN: Well, perhaps I just don't
25 share your view that it is that difficult as far as

1 these two panels are concerned. I agree that there are
2 some matters that come up, but generally speaking what
3 you want to find out, I take it, is the nature of the
4 options and its characteristics. Those are the main
5 parts of that. How they fit into the planning process
6 and the timing and matters of that kind are Panel 10
7 matters.

8 MR. MARK: The concern is that it is not,
9 Mr. Chairman, with respect, because unless you -- your
10 decision as to what areas of performance, what
11 characteristics, what features you want to delve into
12 is determined by the nature and scope of the planning
13 exercise you are faced with. And with the greatest
14 respect - and some of my friends may disagree - I am
15 having trouble with the cart going before the horse.

16 THE CHAIRMAN: In an ideal world we would
17 do it your way, but as I said the other day, I don't
18 intend to spend the rest of my life in this process,
19 and we have just got to keep it keep moving with trying
20 to be as fair as we can to everybody to have a proper
21 hearing, and this is the way I think we can do it.

22 As you know, there has been very little
23 restriction on the scope of cross-examination up until
24 now. And I say again, with the benefit of every one
25 being here, that doesn't mean there may not be some

1 restriction on the scope of intervenor evidence. Just
2 because we have allowed some things in on the
3 cross-examination does not necessarily mean that we are
4 going to hear intervenor evidence on those subjects.

5 MS. PATTERSON: Mr. Mark, I just wanted
6 to add that I think Hydro has said what its intentions
7 are. Part of your problem, I think, is what you are
8 going to put in your own case.

9 MR. MARK: If I may just address that.

10 We don't know what they are. Mr.
11 Campbell stood before you this morning and he said the
12 question about the major supply option about nuclear,
13 are they an alternative to what Hydro is now proposing
14 to meet supply, and he said the question of what they
15 should be in the future is a question for another day.

16 Now, I understand that, but that seems to
17 me, frankly, to be distinctly at odds with what I had
18 previously understood, and it was one of Hydro's
19 overheads that they have gave to everybody, where they
20 were asking the EAB to recommend which technology
21 should be replied on for future supply.

22 Now, I don't know what it is that Hydro
23 is proposing, frankly, and that's one of the things I
24 thought we were going to get decided.

25 THE CHAIRMAN: Perhaps that is a matter

1 that you could take up with them when the panel
2 retires. It's going to be a key issue in the scoping,
3 I recognize that, in the scoping hearing.

4 THE REGISTRAR: This hearing is
5 adjourned.

6 ---Whereupon the hearing was adjourned at 12:30 p.m.,
7 to be reconvened on Monday, February 17, 1992.
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